

Sally J. Abrahamson (admitted *pro hac vice*)
WERMEN SALAS P.C.
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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BO AVERY, PHOEBE RODGERS, KRISTY
CAMILLERI AND JILL UNVERFERTH,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

TEKSYSTEMS, INC.,

Defendant.

Case No. 3:22-cv-02733-JSC

**DECLARATION OF SALLY J.
ABRAHAMSON IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

Judge: Hon. Jacqueline Scott Corley

I, Sally J. Abrahamson, declare as follows:

1. I am a member in good standing of the District of Columbia Bar, New York State Bar and Texas State Bar (inactive), and I am a partner with the law firm Werman Salas P.C. I am admitted *pro hac vice* in this matter. I am co-counsel of record for Plaintiffs in this matter.

2. I submit this declaration in support of Plaintiffs' Motion for Class Certification.

3. I have personal knowledge of the factual matters set forth in this declaration and would so testify if called as a witness at trial.

My Background and Experience

4. Prior to joining Werman Salas in October 2020, I was a partner at Outten & Golden LLP ("O&G"), where I was head of the Class Action Practice Group in O&G's

Washington D.C. office and co-chair of the Lesbian, Gay, Bisexual, Transgender & Queer Workplace Rights Practice Group.

5. Before joining O&G in 2012, I worked as a law clerk to the Honorable Frank Montalvo, U.S. District Judge in the Western District of Texas, El Paso Division and later as the Bilingual Staff Attorney at the D.C. Employment Justice Center. I received my B.A. from Oberlin College in 2003 and my J.D., with honors, from American University's Washington College of Law in 2009. I am barred in the states New York, the District of Columbia, and Texas (inactive).

6. I am admitted to the following courts:

| COURT OF ADMISSION | DATE OF ADMISSION |
|---|-------------------|
| District Court for the District of Columbia | 07/11/2011 |
| Southern District of New York | 02/21/2014 |
| Second Circuit Court of Appeals | 04/29/2015 |
| Eastern District of New York | 06/19/2015 |
| Western District of New York | 08/17/2017 |
| Southern District of Texas | 04/25/2018 |
| District of Maryland | 05/11/2018 |

7. Several federal courts have recognized the expertise that my firm possesses in collective and class action litigation. For example:

- “[Werman Salas P.C.] are known and recognized lawyers ... and have an excellent national reputation ... Courts recognize Plaintiffs’ Counsel as leaders in advocating the rights of ... workers throughout the United States.” Osman, et al. v. Grube, Inc., et al., No. 16 Civ. 00802, 2018 WL 2095172, at *4 (N.D. Ohio May 4, 2018);
- Attorneys at Werman Salas P.C. are “national leaders in advocating the rights of working people ...” Sanchez v. Roka Akor Chicago LLC, No. 14 Civ. 4645, 2017 WL 1425837, at *5-7 (N.D. Ill. Apr. 20, 2017);
- Werman Salas attorneys are “... national leaders in advocating the rights of working people ...”. Knox v. Jones Grp., No. 15 Civ. 1738, 2017 WL 3834929, at *5 (S.D. Ind. Aug. 31, 2017);

8. I have been lead or co-lead counsel in dozens of FLSA collective and/or wage and hour class action cases filed in the state and federal courts. Some of these cases include:

- *Meyer v. Panera Bread Co.*, 344 F. Supp. 3d 193 (D.D.C. 2018) (FLSA certification of assistant managers)
- *Craighead v. Full Citizenship of Maryland, Inc.*, 17 Civ. 595, 2018 WL 3608743 (D. Md. July 27, 2018) (certifying Maryland state law claims under Rule 23)
- *Kucker v. Petco Animal Supplies Stores, Inc.*, No. 14 Civ. 9983, 2016 WL 237425 (S.D.N.Y. Jan. 19, 2016) (FLSA certification of a collective of approximately 1,500 groomers)
- *Robbins v. Blazin Wings, Inc.*, No. 15 Civ. 6340, 2016 WL 1068201 (W.D.N.Y. Mar. 18, 2016) (FLSA certification of a collective of 62,000 tipped employees)
- *Flood v. Carlson Restaurants Inc.*, No. 14 Civ. 2740, 2015 WL 260436 (S.D.N.Y. Jan. 20, 2015) (FLSA certification of a collective of 42,000 tipped employees)
- *Houser v. Pritzker*, 28 F. Supp. 3d 222 (S.D.N.Y. 2014) (certifying Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* under Rule 23 for 250,000 African American and 200,000 Latino Census applicants)

9. I am a member of the ABA Commission on Sexual Orientation and Gender Identity; co-chair of the ABA diversity, Equity & Inclusion Track; and on the board of First Shift Justice Project, a nonprofit organization that helps working parents assert their workplace rights.

10. I also speak frequently about issues facing LGBTQ employees and low-wage workers. I have won several awards and received national recognition for my litigation skills, including:

Super Lawyers Super Lawyer: 2020-2021, 2023

Super Lawyers Rising Star: 2016-2019

Legal 500 United States Recommended Labor and Employment Lawyer 2019-2020

Finalist for Public Justice's Trial Lawyer of the Year Award 2018

Trial Lawyer of the Year Award, Public Justice, *Gonzalez v. Pritzker* 2017

National LGBT Bar Association Best LGBT Lawyers Under 40 – Class of 2017

The Background and Experience of Other Members of My Firm

Maureen Salas

11. Maureen Salas is a shareholder at Werman Salas P.C. who assisted with this case. Ms. Salas is a member in good standing of the Illinois State Bar. She is admitted to appear *pro hac vice* in this matter. Most of Ms. Salas' legal work involves federal and state court litigation of wage and hour cases in which employees seek to collect unpaid compensation or other owed employment benefits. Ms. Salas has been designated as class counsel in dozens of wage and hour class actions certified under Fed. R. Civ. P. 23 or state law. She is a frequent a speaker on wage and hour matters on a local and national basis, and she is a Contributing Editor to Chapter 17, Collective Actions and 'Hybrid' Class Actions," of the leading treatise on the Fair Labor Standards Act, entitled, "Kearns, *The Fair Labor Standards Act*."

Anne Kramer

12. Anne Kramer is an associate at Werman Salas P.C. who assisted with this case. Ms. Kramer is a member in good standing of the California State Bar and the Massachusetts State Bar. Ms. Kramer has extensive experience litigating class and representative actions involving California Labor Code claims. *See, e.g., James v. Uber Techs., Inc.*, No. 19 Civ. 06462 (N.D. Cal.); *Hassell v. Uber Techs., Inc.*, No. 20 Civ. 04062 (N.D. Cal.); *Rogers v. Lyft, Inc.*, No. 20 Civ. 01938 (N.D. Cal.); *Contreras v. Zum Servs., Inc.* No. 19STCV43062 (Los Angeles Super. Ct.).

13. A true and correct copy of the Werman Salas P.C. firm resume is attached hereto as Exhibit 92.

I and Members of My Firm are Adequate Class Counsel

14. Werman Salas P.C. has the resources to meet the economic burden of class action litigation.

15. Werman Salas P.C. has no interest adverse to, or in conflict with, those of the putative class in this action.

16. Werman Salas P.C. employs highly capable staff experienced in the size and

1 logistical challenges of class action litigation.

2 17. Werman Salas P.C. is familiar with the obligations and burdens of representing a
3 class and is competent and capable of representing the proposed Class in this case.

4 18. Werman Salas P.C. is qualified by its substantial experience, knowledge, and
5 resources to act as counsel and represent the proposed class in this lawsuit.

6 19. Plaintiffs' counsel has been involved in the case since its inception.

7 20. To date, Plaintiffs' counsel have attended seven depositions and actively
8 participated in the exchange of over 450,000 pages of documents related to this case.

9 21. Plaintiffs' counsel have expended significant resources to litigate this case and
10 will continue to do so.

11 **Named Plaintiffs Are Adequate Representatives**

12 22. There is no conflict between the Named Plaintiffs and members of the class.

13 23. The Named Plaintiffs are pursuing the same claims as the class and are subject to
14 the same exemption defenses.

15 24. The Named Plaintiffs have protected the class's interests by actively participating
16 in discovery, including sitting for day-long depositions, and will continue to vigorously
17 prosecute the case.

18 **Exhibits**

19 25. At the end of this document is a list of the exhibits referred to in Plaintiffs'
20 Memorandum of Points and Authorities, all of which are true and correct copies of the items they
21 purport to be.

22 26. Prior to filing the exhibits, the Parties conferred and Defendant waived its
23 confidentiality designation for all the documents except for five. For the following exhibits
24 Defendant applied limited redactions: Ex. 5 (Sealed Portion of Doyle Tr.), Ex. 25 (Q2 Talent
25 Delivery Call), Ex. 27 (Executive Dashboard), Ex. 30 (Tabor July 31, 2018 Email), and Ex. 45
26 (Producer Performance KPI).

27 27. These redactions are irrelevant to the purpose for which Plaintiffs rely on the

documents.

28. Plaintiffs redacted one line in Ex. 7 (Deposition of Plaintiff Avery) regarding his current salary amount, which has no bearing on this case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 6, 2023 in Washington, D.C.

Respectfully submitted,

/s/ Sally J. Abrahamson

Sally J. Abrahamson (admitted *pro hac vice*)

WERMAN SALAS P.C.

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Attorney for Plaintiffs

| Exhibit No. | Description | Bates-labels |
|---|--|---|
| Discovery Responses | | |
| 1 | Def.'s Resp. to Pls. 1st Interrogatories | |
| 2 | Def.'s Resp. to Pls. 2nd Interrogatories | |
| Deposition Transcripts of Defendant's Witnesses | | |
| 3 | Deposition transcript of Leo DiBenedetto | |
| 4 | Deposition transcript 30(b)(6) of John Robert Doyle | |
| 5 | Deposition transcript 30(b)(6) of John Robert Doyle under Seal | |
| 6 | Deposition transcript of Garrett D. Haycock | |
| Deposition Transcripts of Plaintiffs' Witnesses | | |
| 7 | Deposition transcript of Bo Avery | |
| 8 | Deposition transcript of Kristy Camilleri | |
| 9 | Deposition transcript of Phoebe (Raras) Rodgers | |
| 10 | Deposition transcript of Ashley Suliman | |
| 11 | Desposition transcript of Jill Unverferth | |
| Declaration - Connected and Job Data | | |
| 12 | Declaration of Lynsey Major with Attachments 1-8 | TEK-Avery-00444345 and TEK-Avery-00444353 |
| Declarations of Class Members | | |
| 13 | Declaration of Adam Brissey | |
| 14 | Declaration of Jovon Cunningham | |
| 15 | Declaration of Jessica DeCair | |
| 16 | Declaration of Jessica Doerner | |
| 17 | Declaration of Brian Larsen | |
| 18 | Declaration of Michael Tillson | |
| 19 | Declaration of Adam Topp | |
| <i>TEKsystems, Inc. v. Andiamo Consulting, LLC</i> | | |
| 20 | <i>TEKsystems, Inc. v. Andiamo Consulting, LLC</i> - Complaint [ECF No. 1] | |
| 21 | <i>TEKsystems, Inc. v. Andiamo Consulting, LLC</i> - Preliminary Injunction [ECF No. 6] | |
| 22 | <i>LLC</i> - Aff. of Alexander Pulido [ECF No. 6-1] | |
| 23 | <i>TEKsystems, Inc. v. Andiamo Consulting, LLC</i> - Deposition transcript 30(b)(6) of Alexander Pulido [ECF No. 60-6] | |
| Document Production | | |
| 24 | Career Opportunities & Expectations | TEK-Recruiter_Lit-00386838 - TEK-Recruiter_Lit-00386856 |

| Exhibit No. | Description | Bates-labels |
|-------------|---|--|
| 25 | Q2 Talent Delivery Call | TEK-Recruiter_Lit-00391866 |
| 26 | Haycock Email October 26, 2020 | TEK-Recruiter_Lit-00386103 - TEK-Recruiter_Lit-00386106 |
| 27 | Executive Dashboard | TEK-Recruiter_Lit-00161729 - TEK-Recruiter_Lit-00161771 |
| 28 | Big Rock 2 Evolve Delivery | TEK-Recruiter_Lit-00127891 |
| 29 | Recruiter Interview Guide Job Aid | TEK-Recruiter_Lit-00020316 - TEK-Recruiter_Lit-00020318 |
| 30 | Tabor July 31, 2018 Email | TEK-Recruiter_Lit-00405538 - TEK-Recruiter_Lit-00405542 |
| 31 | Entry Level/Experienced Hire | TEK-Recruiter_Lit-00385738 - TEK-Recruiter_Lit-00385739 |
| 32 | Ligouri Dec. 6, 2018 Email | TEK-Recruiter_Lit-00045214 - TEK-Recruiter_Lit-00045221 |
| 33 | Mason Oct. 24, 2019 Email | TEK-Avery-00492059 - TEK- Avery-00492063 |
| 34 | Sales Trainee Program | TEK-Recruiter_Lit-00527260 - TEK-Recruiter_Lit-00527268 |
| 35 | Job Description not requiring IT knowledge | TEK-Recruiter_Lit-00059935 - TEK-Recruiter_Lit-00059939 |
| 36 | Haycock Dep. Ex. 15 (Email attaching “Producer EOY Performance Reviews” and “Producer Performance Reviews 2021” for Recruiters annual reviews) | TEK-Recruiter_Lit-00124518 - TEK-Recruiter_Lit-00124524 |
| 37 | Haycock Dep. Ex. 5 (Project Lighthouse Communication Plan) | TEK-Recruiter_Lit-00614411 - TEK-Recruiter_Lit-00614431 |
| 38 | Alvather Email Oct. 2, 2019 | TEK-Recruiter_Lit-00392555 - TEK-Recruiter_Lit-00392556 |

| Exhibit No. | Description | Bates-labels |
|-------------|--|--|
| 39 | Bhasin May 17, 2022 Email | TEK-Recruiter_Lit-00125209 - TEK-Recruiter_Lit-00125216 |
| 40 | Fullerton July 10, 2020 Email | TEK-Recruiter_Lit-00194291 - TEK-Recruiter_Lit-00194293 |
| 41 | Recruiter Excellence: Scorecard FAQs | TEK-Recruiter_Lit-00095086 - TEK-Recruiter_Lit-00095093 |
| 42 | Role Impact Summary: Producers (AM and Recruiters) | TEK-Recruiter_Lit-00004483 - TEK-Recruiter_Lit-00004484 |
| 43 | Performance Review Guide 2021 | TEK-Recruiter_Lit-00528422 - TEK-Recruiter_Lit-00528424 |
| 44 | Producer Documentation Guide | TEK-Recruiter_Lit-00125601 - TEK-Recruiter_Lit-00125602 |
| 45 | Producer Performance KPI 8-4-2020 | TEK-Recruiter_Lit-00281725 - TEK-Recruiter_Lit-00281727 |
| 46 | Annual Operating Plan | TEK-Recruiter_Lit-00583663 |
| 47 | Silicon Valley Welcome Packet | TEK-Recruiter_Lit-00156601 - TEK-Recruiter_Lit-00156633 |
| 48 | LA Welcome Packet | TEK-Recruiter_Lit-00539854 - TEK-Recruiter_Lit-00539876 |
| 49 | Sacramento Welcome Packet | TEK-Recruiter_Lit-00107547 - TEK-Recruiter_Lit-00107564 |
| 50 | San Diego Welcome Packet | TEK-Avery-00488735 - TEK- Avery-00488755 |
| 51 | TEK Acronyms | TEK-Recruiter_Lit-00043933 - TEK-Recruiter_Lit-00043992 |

| Exhibit No. | Description | Bates-labels |
|-------------|---|--|
| 52 | Coaches Guide Recruiter 1 Participant Guide | TEK-Recruiter_Lit-00529844 - TEK-Recruiter_Lit-00529949 |
| 53 | Recruiter Success Profile | TEK-Recruiter_Lit-00020274 - TEK-Recruiter_Lit-00020289 |
| 54 | Requisition Form | TEK-Recruiter_Lit-00281942 |
| 55 | SW Delivery Road Map | TEK-Recruiter_Lit-00426816 - TEK-Recruiter_Lit-00426822 |
| 56 | Recruiter Evals Form 2021 | TEK-Recruiter_Lit-00152740 - TEK-Recruiter_Lit-00152744 |
| 57 | Delivery Qualification Form | TEK-Recruiter_Lit-00413294 - TEK-Recruiter_Lit-00413297 |
| 58 | Recruiter Onboarding Plan | TEK-Recruiter_Lit-00097835 - TEK-Recruiter_Lit-00097941 |
| 59 | Connected User Guide | TEK-Recruiter_Lit-00175558 |
| 60 | Professional Development Org. Chart | TEK-Recruiter_Lit-00078541 |
| 61 | DiBenedetto Apr. 10, 2019 Email | TEK-Recruiter_Lit-00044799 - TEK-Recruiter_Lit-00044801 |
| 62 | DiBenedetto Nov. 22, 2020 Email | TEK-Recruiter_Lit-00041158 - TEK-Recruiter_Lit-00041162 |
| 63 | Operations Playbook | TEK-Recruiter_Lit-00019669 - TEK-Recruiter_Lit-00019692 |
| 64 | Ligouri Sept. 19, 2018 Email | TEK-Recruiter_Lit-00256524 - TEK-Recruiter_Lit-00256528 |
| 65 | Alvarado July 27, 2021 Email | TEK-Recruiter_Lit-00225566 - TEK-Recruiter_Lit-00225572 |
| 66 | DeGeus Sept. 1, 2022 Email | TEK-Recruiter_Lit-00178028 - TEK-Recruiter_Lit-00178030 |

| Exhibit No. | Description | Bates-labels |
|--------------------|--|---|
| 67 | Stadler Dec. 20, 2018 Email | TEK-Avery-00433137 - TEK-Avery-00433139 |
| 68 | Murrell April 2, 2018 Email | TEK-Avery-00500048 - TEK-Avery-00500050 |
| 69 | Marland May 28, 2019 Email | TEK-Recruiter_Lit-00588311 - TEK-Recruiter_Lit-00588318 |
| 70 | Haycock Ex. 16 (Doyle Apr. 27, 2022 Email) | TEK-Recruiter_Lit-00081069 - TEK-Recruiter_Lit-00081071 |
| 71 | Recruiter Scorecard Introduction | TEK-Recruiter_Lit-00434512 |
| 72 | WIN narratives | TEK-Recruiter_Lit-00392430 - TEK-Recruiter_Lit-00392435 |
| 73 | 2022 Recruiter Training Plan | TEK-Recruiter_Lit-00228010 - TEK-Recruiter_Lit-00228011 |
| 74 | Career Opportunities & Expectations | TEK-Recruiter_Lit-00391870 - TEK-Recruiter_Lit-00391888 |
| 75 | Welcome to New Recruiter Training | TEK-Recruiter_Lit-00000942 |
| 76 | Degreed Pathway | TEK-Recruiter_Lit-00078540 |
| 77 | Recruiter Training Period FAQ | TEK-Recruiter_Lit-00252621 - TEK-Recruiter_Lit-00252626 |
| 78 | Recruiter Onboarding Participant Guide | TEK-Recruiter_Lit-00528479 - TEK-Recruiter_Lit-00528626 |
| 79 | Consultant Conversation Guide | TEK-Recruiter_Lit-00422805 - TEK-Recruiter_Lit-00422809 |
| 80 | New Recruiter Training | TEK-Recruiter_Lit-00000672 - TEK-Recruiter_Lit-00000700 |
| 81 | Reference Check Guidance | TEK-Thomas-00435337 - TEK-Thomas-00435338 |
| 82 | Applications Recruiting Smart Questions | TEK-Thomas-00435342 - TEK-Thomas-00435347 |

| Exhibit No. | Description | Bates-labels |
|--------------------|---|--|
| 83 | Sourcing Strategy: Plan of Attack | TEK-Recruiter_Lit-00001034 |
| 84 | .Net Qual Sheet | TEK-Thomas-00435339 - TEK-Thomas-00435340 |
| 85 | Elevator Pitch TEK 2021 | TEK-Recruiter_Lit-00019819 - TEK-Recruiter_Lit-00019820 |
| 86 | 13-week Recruiter Evaluation FAQ | TEK-Recruiter_Lit-00530436 - TEK-Recruiter_Lit-00530438 |
| 87 | Haycock Jan. 25, 2018 Email | TEK-Recruiter_Lit-00253346 - TEK-Recruiter_Lit-00253347 |
| 88 | Oakland Welcome Packet | TEK-Recruiter_Lit-00424010 - TEK-Recruiter_Lit-00424027 |
| 89 | TEKsystems December 2020 Engagement Survey | TEK-Recruiter_Lit-00161019 - TEK-Recruiter_Lit-00161022 |
| 90 | “RE” Network Engineering Technical Lead Email | TEK-Avery-00516975 - TEK-Avery-00516996 |
| 91 | Talent Delivery | TEK-Thomas-00000214 |
| Firm Resume | | |
| 92 | Werman Salas P.C. Firm Resume | |